

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/28/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY A. WILDMAN,

Plaintiff,

-against-

EXPERIAN,

Defendant.

1:25-cv-1180-MKV

ORDER GRANTING LEAVE
TO FILE AN AMENDED
COMPLAINT

MARY KAY VYSKOCIL, United States District Judge:

This case was removed to this court on February 10, 2025. [ECF No. 1]. The Defendant argues that the case should be removed because the claims for relief against Experian alleged in the State Court Action arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* [ECF No. 1]. However, the Complaint, as it appears before this Court, does not state a cause of action at all and names TransUnion as the defendant. [ECF No. 1-A]. Plaintiff moved in the Court below to amend its Complaint because he “mistakenly” identified the defendant as TransUnion when he intended to name Experian. [ECF No. 4-1]. Defendant has now improperly moved to dismiss for failure to state a claim. Pursuant to the Individual Rules of this Court, a party must request leave to file a motion to dismiss in a pre-motion letter.

Accordingly, Plaintiff is HEREBY GRANTED leave to amend his Complaint. Plaintiff shall file an Amended Complaint on or before April 4, 2025. The Amended Complaint must identify the correct defendant and should name the law or laws under which Plaintiff is bringing this suit. Plaintiff is advised to contact the Pro Se Intake Office at (212) 805-0175.

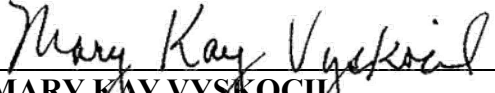
IT IS FURTHER ORDERED that Defendant’s motion to dismiss is DENIED, without prejudice to renewal, as procedurally improper.

The parties are reminded that failure to comply with this Order or with any order of the Court or failure to comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or the parties' discovery or other obligations thereunder may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.

The Clerk of Court is respectfully requested to mail a copy of this order to *pro se* Plaintiff to the address on file.

SO ORDERED.

**Date: February 28, 2025
New York, NY**



MARY KAY VYSKOCIL
United States District Judge